

Air Quality Compliance Policy

**Bureau of Air and Radiation
Kansas Department of Health and Environment**

July 14, 2005

I. INTRODUCTION

The Bureau of Air and Radiation (BAR), within the Kansas Department of Health and Environment (KDHE), is tasked with protecting the public health and the environment of Kansas through conserving air quality and controlling air pollution. The Kansas Air Quality Act, statutes and regulations provide authorization of the Secretary of KDHE to enforce the rules and regulations of the Air Quality Act. A Compliance Policy is a key component of the goals, objectives and strategies of BAR to meet this task. KDHE encourages compliance through effective permits, compliance assistance, coordination with other bureaus and agencies, equitable treatment of facilities, and appropriate enforcement actions. The BAR compliance program is directed at proactively assisting facilities with environmental compliance rather than waiting for violations that could harm public health.

II. GOALS OF THE BAR COMPLIANCE PROGRAM

A. Effective Air Permit Program

In order to have an effective compliance program, BAR must first have an effective permit program. Each permit should clearly outline air quality regulatory requirements. A clear permit helps the source of air emissions understand the requirements, and also provides an enforceable document if noncompliance occurs. Compliance program staff support the permit program by providing feedback on existing permits, participating in work groups upon request, and enforcing existing permits. The BAR permit writer is the primary contact for each facility, and is included as a participant in compliance actions. For more information about our permitting program, see our web site:

<http://www.kdhe.state.ks.us/bar/index.html>

B. Compliance Assistance

BAR provides compliance assistance and guidance to the regulated community to encourage emission sources to 1) comply with applicable regulations and 2) reduce air pollutant emissions beyond the minimum requirements. Compliance staff may provide compliance assistance in the form of environmental conference presentations, workshops, mass mailings, telephone consultation, and on-site visits. KDHE sponsors an annual Environmental Conference, and BAR will sponsor an annual Air Quality Conference. Compliance staff provides information for the BAR web site, which has informational sheets, technical guidance documents, and frequently asked questions.

BAR also works with focused industry initiatives. For example, an industry group recently contacted BAR with information about potential violations in that industry. BAR participated in workshops and meetings to work with potential violators in that industry to resolve issues.

BAR compliance staff reviews information provided by facilities to demonstrate compliance. We also answer questions and work with facilities on the following:

- 40 CFR Part 60, New Source Performance Standards (NSPS), notifications, compliance reports, and performance testing;
- 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants (NESHAP) notifications, compliance reports, and performance testing;
- 40 CFR Part 63, Maximum Achievable Control Technology (MACT) notifications, compliance reports, and performance testing;
- Compliance demonstrations for permit conditions or enforcement actions;
- Enforcement actions: Notices of Noncompliance (NON), Administrative Orders (AOs), and Consent Agreements and Final Orders of the Secretary (CAOs).

KDHE provides funding to the Small Business Environmental Assistance Program (SBEAP) through the Pollution Prevention Institute at Kansas State University. SBEAP provides free environmental compliance assistance to small businesses. SBEAP services are confidential. SBEAP provides compliance assistance through on-site visits, by telephone, industry sector-specific workshops and guidance documents, fact sheets, and a web site with downloadable documents. SBEAP works with industry groups and trade associations to assist specific industry sectors and to encourage facilities to use their services.

The Public Advocate is KDHE's ombudsman for small businesses. The Public Advocate provides information about KDHE and SBEAP, and provides referrals to appropriate staff or other services as needed.

C. Inspection / Compliance Coordination

BAR coordinates compliance activities with local, state, and federal air quality control agencies, to protect the public health and the environment.

BAR works with the Environmental Protection Agency (EPA), Region VII to set inspection schedules for major sources and minor sources near major source thresholds, to designate facilities with specific violations as High Priority Violators (HPV), report enforcement actions, and participate in federal air quality enforcement initiatives.

BAR works with the KDHE Bureau of Environmental Field Services (BEFS) and district offices to schedule air quality inspections each year. We also contract inspections with four local agencies, located in Johnson County, Sedgwick County, Shawnee County, and Wyandotte County. These supporting organizations play an integral role in the compliance and enforcement process. If an inspection shows that violations have occurred, BAR proceeds with appropriate action in the form of a NON, CAO, or AO.

D. Equitable Treatment and Focused Priorities

BAR must effectively promote compliance with all state and federal air quality control regulations, while reducing compliance resources expended on noncompliance issues of lesser direct impact on the public health and environment of Kansas. We want to use our resources on activities that have the greatest impact on the air quality in Kansas. Bureau priorities are determined by the state of air quality across Kansas, state and federal air quality control initiatives, and the compliance history of each facility.

Facilities located in an ozone maintenance or non-attainment area will be inspected more frequently than facilities in other areas because of the potential health impact a violation could have on citizens.

If a facility is part of a state or federal air quality control initiative, then bureau priorities will reflect that. For example, a federal initiative recently targeted petroleum refineries. Nationally, many refineries had not obtained proper construction permits. KDHE worked with EPA to consider if such problems existed at facilities in Kansas, and investigative activities emphasized these issues.

If a facility has historical violations, they will also be inspected more frequently than facilities that do not have a history of violations.

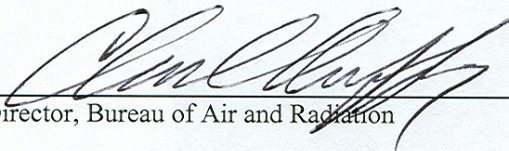
E. Effective Enforcement

An effective enforcement program encourages compliance. Actions are taken against facilities that do not comply with air quality permits and regulations. Without an enforcement program, facilities that do not comply with air quality regulations have an economic advantage over those that do comply. If no enforcement occurs, then facilities will not have any incentive to follow regulations which reduce air emissions. Those surrounding communities would be exposed to higher levels of air pollution. Therefore, KDHE enforces against facilities that have violated air quality regulations. As discussed earlier, we will use resources to identify violations with the greatest impact on the air quality in Kansas. For more information about our enforcement program, review the Air Regulatory Enforcement Policy.

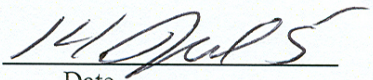
III. CONCLUSION

The Bureau of Air and Radiation (BAR) compliance program enforces regulations and permits to protect the public health and the environment of Kansas. This Compliance Policy identifies the goals of the compliance program. KDHE encourages compliance through effective permits, compliance assistance, coordination with other bureaus and agencies, equitable treatment of facilities, and appropriate enforcement actions. BAR will proactively assist facilities with environmental compliance in order to prevent violations that could harm public health.

IV. APPROVAL



Director, Bureau of Air and Radiation



Date